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Attorney for Plaintiff Patricia Hubbard

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Patricia Hubbard,

Plaintiff,

-against-

Zions Debt Holdings, LLC,

Defendant.

Civil Case Number:
2:24-cv-00237-JJT

DECLARATION

**DECLARATION OF YITZCHAK ZELMAN, ESQ. IN
SUPPORT OF PLAINTIFF'S REQUEST FOR ENTRY OF A
DEFAULT JUDGMENT**

Yitzchak Zelman, duly declares pursuant to 28 USC § 1746:

1. I am an attorney admitted to practice in this District and represent the Plaintiff in this action.
2. I submit this Declaration in support of Plaintiff's Motion for Default Judgment.

- 1 3. I am lead counsel to the Plaintiff in this matter.
- 2 4. I graduated from the Benjamin N. Cardozo School of Law in 2012.
- 3
- 4 5. I am an attorney licensed to practice by the State of New Jersey since
- 5 2012, where I have practiced ever since admission. I have since
- 6 gained admission to the state bars of New York, Arizona and
- 7 California as well.
- 8
- 9 6. I have continuously practiced consumer protection law in the Federal
- 10 Courts since becoming licensed to practice law in New Jersey. I have
- 11 appeared in consumer law matters in federal courts across the country,
- 12 including in district courts throughout New York, New Jersey,
- 13 Pennsylvania, Washington, Illinois, Texas, Idaho, California,
- 14 Arizona, Indiana, Florida, Alabama, Michigan, Georgia,
- 15 Connecticut, Iowa, Nevada, Kentucky, Ohio, Louisiana, North and
- 16 South Carolina, Arkansas, Oregon, Missouri, Colorado and
- 17 Tennessee, as well as in the Second, Third, Ninth and Eleventh
- 18 Circuit Courts of Appeals.
- 19
- 20 7. Mr. Marcus and I founded the law firm of Marcus & Zelman, LLC
- 21 (“the Firm”) in June, 2015.
- 22
- 23 8. Since that time, Marcus & Zelman, LLC has recovered tens of
- 24 millions of dollars on behalf of consumers who had been victimized
- 25 by abusive and deceptive collection practices as well as individuals
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whose consumers rights had been violated. The Firm has also been regularly appointed as class counsel in consumer class actions, including in

- i. *Rocke v. Monarch Recovery Mgmt., Inc.*, No. 1:20-CV-11736-RWZ, [Docket 81] (D. Mass. May 11, 2023)(FDCPA class case).
- ii. *Lenorowitz v. Mosquito Squad of Fairfield & Westchester Cnty.*, No. 3:20- CV-01922 (JBA), 2022 WL 4367596 (D. Conn. Sept. 21, 2022).
- iii. *Town & Country Jewelers, LLC v. Meadowbrook Insurance Group, Inc.*, Case No. 3:15-cv-02519-PGS-LHG (D.N.J. 2017)(\$1,500,000.00 TCPA Class).
- iv. *Willis and Shvarts v. iHeartMedia, Inc.*, Case No. 16-CH-02455 (Cook County, Illinois) (\$8,500,000.00 TCPA Class).
- v. *Manopla v. Home Depot*, 3:15-cv-01120 (D.N.J.) (\$4,350,000.00 TCPA Class).
- vi. *Richardson v. Verde Energy*, 5:15-cv-06325-WB(E.D.Pa. 2020)(\$3,000,000 TCPA Class).
- vii. *Sussino v. Work out World*, No. 3:15-cv-05881 (DNJ 2019)(TCPA Class, currently stayed).
- viii. *Steve Ann Muir vs. Early Warning Service*, 2:16-cv-00521 (D.N.J.)
- ix. *Rodriguez v. AllianceOne*, Civil Case No. 2:15-cv-01224 (RAJ) (WD Wa.)
- x. *Foerster v. First Collect*, Civil Case No. 1:17-cv-01338-JEJ (D.Delaware).
- xi. *Encarnacion v. Fin. Corp. of Am.*, No. 2:17-CV-566-FTM-38CM, 2018 WL 6250944 (M.D. Fla. Nov. 14, 2018)(FDCPA class).
- xii. *Bereket v. Portfolio Recovery Assocs., LLC*, No. C17-812 RSM, 2018 WL 6266606, at *5 (W.D. Wash. Nov. 30, 2018) (FDCPA class).
- xiii. *Beneli v. BCA Financial Services, Inc.*, Case No. 3:16-cv-02737-FLW- LHG (DNJ 2018) (FDCPA class).

- xiv. *Pollak v. Portfolio Recovery Assocs., LLC*, No. CV 15-4025-BRM-DEA, 2018 WL 466241 (D.N.J. Jan. 17, 2018) (FDCPA class).
- xv. *Tiernan v. G&R Collections*, 3:16-cv-02602 (M.D.TN 2018) (FDCPA class).
- xvi. *Willemssen v. Professional Recovery Services, Inc.*, Civil Case No. 1:14cv6421 (D.N.J. 2016)
- xvii. *Krady v. A-1 Collection Agency, LLC*, Civil Case No. 3:14cv7062 (D.N.J. 2016)
- xviii. *Truglio v. CBE Group*, Civil Case No. 3:15-cv-03813 (D.N.J. 2017)
- xix. *Hartman v. Medicredit, Inc.*, 2:15-cv-01596 (W.D. Pa. 2017)
- xx. *O'Brien v. Waldman & Kaplan, PA*, Case No. 3:15-cv-07429-BRM-LHG (D.N.J. 2017)
- xxi. *Dinaples v. MRS BPO, LLC*, Case No. 2:15-cv-01435 (W.D. Pa. 2017)
- xxii. *Hartman v. Monarch Recovery Management, Inc.* Case No. 2:15-cv-01364- CB (W.D. Pa. 2017)
- xxiii. *Etienne v. Reliant Capital Solutions, LLC*, Case No. 1:16-cv-02359-WFK- JO (E.D.N.Y. 2017) (FDCPA class).
- xxiv. *Jackson v. RMB, Inc.* Civil Case No. 2:14cv2205-MF (D.N.J. 2015).
- xxv. *Barenbaum v. Hayt, Hayt & Landau, LLC*, No. CV 18-4120, 2019 WL 4305761, at *13 (E.D. Pa. Sept. 10, 2019) (FDCPA class).
- xxvi. *Nieves v. A&J Collection Agency, Inc.*, No. CV 3:18-cv-17284-DEA (D.N.J. Nov. 15, 2019) (FDCPA class).
- xxvii. *Kassin v. AR Resources, Inc.*, No. CV 16-4171 (FLW), 2018 WL 6567703 (D.N.J. Dec. 13, 2018) (FDCPA class).
- xxviii. *Reid v. Asset Recovery Solutions, LLC*, 1:17-cv-02095-AT (N.D. Ga February 19, 2020).
- xxix. *Kaykov v. Coast Professional, Inc.*, 1:18-cv-06442-KAM-RLM (E.D.N.Y. Jan. 28, 2020).
- xxx. *Huber v. Simon's Agency, Inc.*, No. CV 2:19-01424, 2021 WL 5758938, at *2 (E.D. Pa. Dec. 3, 2021)(FDCPA class).

1 9. My regular and ordinary hourly rate is \$450.00 per hour, which has
2 been my rate for at least the past year. I do have clients who pay me
3 for my work on an hourly basis, and who pay me this hourly rate, or
4 more, for my work.
5

6
7 10. Attorneys with my skill, background and acumen in regularly charge
8 between \$350 to over \$550 per hour.
9

10 11. As can be seen from the 2015-2016 United States Consumer Law
11 Attorney Fee Survey Report,¹ consumer lawyers in New Jersey on
12 average charge \$497.00 per hour, with a median rate of \$450.00 per
13 hour.² Consumer lawyers in Trenton (the closest listed metropolitan
14 area to our office in Asbury Park), on average, charge \$600.00 per
15 hour, with a median rate of \$675.00 per hour.³
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18 12. As set forth above, I have been practicing in New Jersey since 2012,
19 twelve years ago. When adjusting for amount of years in practice,
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22 ¹ Numerous courts have considered the 2015-2016 Survey Report in weighing the
23 reasonableness of the attorneys' fees sought. *See e.g., U.S. Postal Service Federal*
24 *Credit Union Plaintiff, v. Edwin*, No. 1:16-CV-00071, 2018 WL 1077291, at *4,
25 fn 6 (D.V.I. Feb. 27, 2018); *Green v. Momentum Motor Grp., LLC*, No. 0:17-CV-
26 01449-CMC, 2018 WL 259091, at *2 (D.S.C. Jan. 2, 2018); *Firneno v. Radner*
27 *Law Grp., PLLC*, No. 2:13-CV-10135, 2017 WL 3675613, at *1 (E.D. Mich.
28 Aug. 25, 2017); *Alvarado v. Featured Mediation, LLC*, No. 8:16-CV-3259-T-
30JSS, 2017 WL 2480606, at *2 (M.D. Fla. June 8, 2017).

² *See*, <https://www.nclc.org/images/pdf/litigation/tools/atty-fee-survey-2015-2016.pdf>, page 106, last visited on April 9, 2024. The Survey itself is not attached here, as it is 418 pages.

³ *See id.*, at page 287.

1 consumer attorneys in Trenton who have been practicing for 11-15
2 years charge, on average, \$675.00 an hour.⁴

3
4 13. My requested hourly rates are also squarely on point with that
5 charged by consumer attorneys in Phoenix with similar years of
6 experience.⁵

7
8 14. I was recently awarded this hourly rate in *Kapllani v. Metcalf et al*,
9 1:23-cv-10107-AK [Docket 42] (D. Mass. July 19, 2023), as well as
10 in *Espinosa v. Andrew C. Metcalf et al*, 1:21-cv-10356-DJC [Docket
11 123] (D. Mass. October 5, 2023) (“the Court concludes that
12 \$450/hour is a reasonable hourly rate for both Attorneys Zelman and
13 Crick”), both of which were consumer rights cases like this one.

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16 15. The undersigned was also awarded \$450.00 per hour two years ago,
17 in *Barenbaum v. Hayt, Hayt & Landau, LLC*, No. CV 18-4120, 2021
18 WL 120925, at *6 (E.D. Pa. Jan. 13, 2021); \$425 per hour three years
19 ago in *Martin v. Receivable Management Systems, Inc.*, 1:18-cv-
20 09359-RMB-KMW [Docket 24] (D.N.J. January 7, 2020), \$425 per
21 hour three years ago in *Manopla v. Home Depot*, 3:15-cv-01120-PGS-
22 TJB [Docket 107] (D.N.J. Feb. 24, 2020); and \$425.00 per hour four
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27 ⁴ See *id.*, at page 286, 288.

28 ⁵ See *id.*, at page 191, reflecting an average hourly rate of \$450 per hour charged
for attorneys between 11-15 years of practice.

1 years ago in *Pollak v. Portfolio Recovery Associates, LLC*, 3:15- cv-
2 04025-BRM-DEA [Docket 88] (D.N.J. Sept. 4, 2019).

3
4 16. Because of my extensive litigation and trial expertise in the
5 consumer protection field, I am frequently retained by local counsel,
6 to assist in litigating these types of consumer cases. I have taken these
7 cases to jury trials, arbitration and on appeal.
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10 17. My office spent 14.7 hours working on this case ever since we were
11 hired by Ms. Hubbard back in June of 2023.

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13 18. My firm further incurred \$495 in necessary costs, namely the \$405
14 filing fee and \$90 for service of process.

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16 19. I declare under penalty of perjury, under the laws of the United States
17 of America, that the foregoing is true and correct.
18

19 Dated: April 9, 2024

MARCUS & ZELMAN, LLC

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